

SENATE BILL NO. 275

INTRODUCED BY D. HARGROVE

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE DEPARTMENT OF JUSTICE FROM ISSUING A DRIVER'S LICENSE TO A PERSON WHO FAILS TO REGISTER FOR THE DRAFT IN COMPLIANCE WITH THE FEDERAL MILITARY SELECTIVE SERVICE ACT; REQUIRING THE DEPARTMENT OF JUSTICE TO FORWARD INFORMATION TO THE SELECTIVE SERVICE SYSTEM THAT IS NECESSARY TO REGISTER AN INDIVIDUAL IN THE SELECTIVE SERVICE SYSTEM; ~~AND~~ AMENDING SECTIONS 2-6-109, 61-5-105, AND 61-5-126, MCA; AND PROVIDING EFFECTIVE DATES."

WHEREAS, the Military Selective Service Act of 1967, 50 App. U.S.C. 451, et seq., requires that all male citizens who are at least 18 years of age but less than 26 years of age register with the Selective Service System so that, in the event of a national emergency, personnel may be rapidly inducted into the U.S. Armed Forces; and

WHEREAS, the consequences associated with failure to comply with federal law and register for the draft are severe and include but are not limited to felony conviction, bars to public employment, and prohibitions on receiving federal and state benefits, such as student financial assistance and job training; and

WHEREAS, the Legislature has an obligation to inform state residents of the responsibility to register with the Selective Service System and to ensure and facilitate compliance with the federal Military Selective Service Act of 1967.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-6-109, MCA, is amended to read:

"2-6-109. Prohibition on distribution or sale of mailing lists -- exceptions -- penalty. (1) Except as provided in subsections (3) through (8), in order to protect the privacy of those who deal with state and local government:

(a) an agency may not distribute or sell for use as a mailing list any list of persons without first securing the permission of those on the list; and

(b) a list of persons prepared by the agency may not be used as a mailing list except by the agency or another agency without first securing the permission of those on the list.

(2) As used in this section, "agency" means any board, bureau, commission, department, division, authority, or officer of the state or a local government.

(3) [Except as provided in 30-9-403, this] This section does not prevent an individual from compiling a mailing list by examination of original documents or applications that are otherwise open to public inspection.

(4) This section does not apply to the lists of registered electors and the new voter lists provided for in 13-2-115 and 13-38-103, to lists of the names of employees governed by Title 39, chapter 31, or to lists of persons holding driver's licenses provided for the information forwarded to the selective service system under 61-5-126.

(5) This section does not prevent an agency from providing a list to persons providing prelicensing or continuing educational courses subject to state law or subject to Title 33, chapter 17.

(6) This section does not apply to the right of access either by Montana law enforcement agencies or, by purchase or otherwise, of public records dealing with motor vehicle registration.

(7) This section does not apply to a corporate information list developed by the secretary of state containing the name, address, registered agent, officers, and directors of business, nonprofit, religious, professional, and close corporations authorized to do business in this state.

(8) This section does not apply to the use by the public employees' retirement board of a mailing list of board-administered retirement system participants to send materials on behalf of a retiree organization formed for board-administered retirement system participants and with tax-exempt status under section 501(c)(4) of the Internal Revenue Code, as amended, for a fee determined by rules of the board, provided that the mailing list is not released to the organization.

(9) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor. (Bracketed language deleted July 1, 2001.)"

Section 2. Section 61-5-105, MCA, is amended to read:

"61-5-105. Who may not be licensed. The department may not issue a license under this chapter to a person:

(1) who is under 16 years of age unless:

1 (a) the person is at least 15 years of age and has passed a driver's education course approved by
2 the department and the superintendent of public instruction; or

3 (b) the person is at least 13 years of age and, because of individual hardship, to be determined
4 by the department, needs a restricted license;

5 (2) whose license or driving privilege is currently suspended or revoked in this or any state;

6 (3) who is addicted to the use of alcohol or narcotic drugs;

7 (4) who has previously been adjudged to be afflicted with or suffering from any mental disability
8 or disease and who, at the time of application, has not been restored to competency by the methods
9 provided by law;

10 (5) who is required by this chapter to take an examination;

11 (6) who has not deposited proof of financial responsibility when required under the provisions of
12 chapter 6 of this title;

13 (7) who has any condition characterized by lapse of consciousness or control, either temporary
14 or prolonged, that is or may become chronic. However, the department may in its discretion issue a license
15 to an otherwise qualified person suffering from a condition if the afflicted person's attending physician
16 attests in writing that the person's condition has stabilized and would not be likely to interfere with that
17 person's ability to operate a motor vehicle safely and, if a commercial driver's license is involved, the
18 person is physically qualified to operate a commercial motor vehicle under applicable state or federal
19 regulations; ~~or~~

20 (8) who lacks the functional ability, due to a physical or mental disability or limitation, to safely
21 operate a motor vehicle on the highway; or

22 (9) who is male and at least 18 years of age but less than 26 years of age and who fails to[

23 (a)] present documentation that the applicant has complied with requirements of section 3 of the
24 Military Selective Service Act of 1967, 50 App. U.S.C. 453, as amended[; or

25 (b) authorize the department, in a manner prescribed by the department, to forward to the
26 selective service system the information necessary for the applicant's registration with the selective
27 service system pursuant to section 3 of the Military Selective Service Act of 1967, 50 App. U.S.C. 453,
28 as amended]."

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30 **Section 3.** Section 61-5-126, MCA, is amended to read:

"61-5-126. Providing information to selective service system. At the request of the director of the selective service system, provided for in 50 App. U.S.C. 460, the department shall provide [the following information to the selective service system:

(1) a list of persons born in specified years who are holders of driver's licenses ~~for the exclusive purpose of ensuring compliance and who are required to comply~~ with the military draft registration requirements of the federal Military Selective Service Act of 1967 (50 App. U.S.C. 451, et seq.). The department shall notify the persons that information regarding them was released to the selective service system. ~~The department may not provide the selective service system with the social security or driver's license numbers of persons on the list for any purpose.~~

[(2) information, in a format prescribed by the selective service system, that is provided to the department by each applicant who registers with the selective service system pursuant to 61-5-105(9)(b).]"

NEW SECTION. SECTION 4. EFFECTIVE DATES -- CONTINGENCY. (1) EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (4), [THIS ACT] IS EFFECTIVE OCTOBER 1, 2001.

(2) THE ATTORNEY GENERAL SHALL CERTIFY TO THE GOVERNOR THE DATE ON WHICH THE DEPARTMENT OF JUSTICE HAS THE CAPABILITY TO ELECTRONICALLY FURNISH TO THE SELECTIVE SERVICE SYSTEM THE INFORMATION REQUIRED BY 61-5-105(9)(B).

(3) THE BRACKETED LANGUAGE IN [SECTIONS 2 AND 3] IS EFFECTIVE ON THE DATE ON WHICH THE ATTORNEY GENERAL MAKES THE CERTIFICATION REQUIRED BY SUBSECTION (2). THE GOVERNOR SHALL NOTIFY THE CODE COMMISSIONER OF THE CERTIFICATION ON THE DATE ON WHICH THE CERTIFICATION IS MADE.

(4) [THIS SECTION] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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